

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>ELLIOTT STAINMAN</b>	)	<b>Case No. 3:15 PO 63</b>
<b>ARYEH NESS</b>	)	<b>Case No. 3:15 PO 64</b>
<b>CHANDLER PIERCE</b>	)	<b>Case No. 3:15 PO 65</b>
<b>JORDAN KATZ</b>	)	<b>Case No. 3:15 PO 66</b>
<b>Defendants.</b>	)	

**MOTION TO SUPPRESS**

COME NOW, the Defendants, by and through counsel, and respectfully move for the suppression of evidence unlawfully searched and seized, and statements unlawfully procured, in violation of the Fourth and Fifth Amendments of the United States Constitution. On or about July 7, 2015, officer D. Savedge, Park Ranger, in Shenandoah National Park, Virginia unlawfully searched and seized a vaporizer containing a small amount of marijuana without reasonable suspicion or probable cause. After the unlawful search and seizure of the vaporizer, the officer procured inculpatory statements and further evidence of marijuana possession, including a ziplock bag containing less than a half ounce of marijuana. All of these statements and further seized evidence were the fruits of the prior unlawful seizure of the vaporizer, and must therefore be suppressed. *United States v. Wong Sun*, 371 U.S. 471 (1963). Additionally, the statements were made under circumstances amounting to a custodial environment which necessitated the providing of *Miranda* warnings, which were never provided. Therefore, the statements made must be suppressed under *Miranda*, and all evidence procured as a result of those non-*Mirandized* statements must be suppressed as unlawfully obtained fruits. *Wong Sun*, 371 U.S. 471.

WHEREFORE, for the reasons stated above or any other that may appear to the Court or be developed at a hearing on this matter, the Defendants respectfully request that this Court suppress all evidence obtained in this case in violation of the Fourth and Fifth Amendments of the United States Constitution.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 3rd day of November, 2015, I have electronically filed the foregoing Motion with the Clerk of Court using the CM/ECF system which will send a notification of such filing (NEF) to all counsel of record.

/s/ John Kenneth Zwerling  
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